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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,501	12/20/2001	Niko Eiden	442-010744-US(PAR)	1992
2512	7590	07/21/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			CHO, UN C	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/027,501

**Applicant(s)**

EIDEN ET AL.

**Examiner**

Un C Cho

**Art Unit**

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16 and 18-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/27/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 6/27/2005 was filed after the mailing date of the Application #10/027,501 on 12/20/2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation "... by the detecting element, ..." in line 9 of claim 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 6 – 14, 16, 18 – 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Tajima et al. (US 6,441,721 B1).

Regarding claim 1, Tajima discloses a method for establishing a group of at least two wireless terminals for wireless group communication between the at least two wireless terminals (establish wireless communication between two wireless devices, Fig. 5, 200(400)), comprising: bringing the users of the at least two wireless terminals into a physical contact (physical handshake to bring the users of the two wireless terminals into a physical contact); detecting, by the detecting element (current detection unit, Fig. 2, 407 and Fig. 3, 206), the physical contact between the users of the at least two wireless terminals; and establishing the group of the at least two wireless terminals for group communication over a wireless link between the at least two wireless terminals of the established group, wherein the detecting element is located on each wireless terminal (Tajima, Col. 5, line 14 through Col. 6, line 191).

Regarding claim 2, Tajima discloses bringing the users into the physical contact detecting a vicinity of the at least two wireless terminals using wireless communication (Tajima, Col. 5, line 14 through Col. 6, line 191).

Regarding claim 6, Tajima discloses transferring a signal via said physical contact between the users of the wireless terminals (transferring a signal via said physical contact between the users wearing the bracelet-type data transmitter/receiver device, Tajima, Col. 6, lines 15 – 19).

Regarding claim 7, Tajima discloses generating said signal in one of the at least two wireless terminals (data reproduction unit, Fig. 2, 403 and data modulation unit, Fig. 2, 404, Tajima, Col. 4, lines 49 – 52); transmitting said generated signal to the body of a first user, the first user being the user of the signal generating wireless terminal, and further to the body of a second user being physically connected to the first user (generating signal in one of the bracelet-type transmitter/receiver, transmitting said generated signal to the body of a first user, the first user being the user of the signal generating bracelet-type transmitter/receiver, and further to the body of a second user being physically connected to the first user and detecting the transmitted signal in the bracelet-type data transmitter/receiver device of the second user, Fig. 5, Tajima, Col. 6, 15 – 19); and detecting the transmitted signal in the wireless terminal of the second user (current detection unit, Fig. 2, 407 and Fig. 3, 206, detects the transmitted signal in the second user, Tajima, Col. 5, lines 14 – 36).

Regarding claim 8, Tajima discloses wherein said signal includes a low-frequency signal (signal is a 2 MHZ frequency signal, Tajima, Col. 4, lines 10 – 14).

Regarding claim 9, Tajima discloses that the frequency ranges from 2 – 30 MHz (Tajima, Col. 7, lines 50 – 66). Even though Tajima does not specifically disclose that the signal frequency is less than 1 megahertz. Using a specific frequency is a matter of design choice.

Regarding claim 10, Tajima discloses wherein said signal includes at least an address of the transmitting wireless terminal, and optionally at least one of clock offset information, and class of device (the signal includes at least an attribute data such as information plate's ID data, Tajima, Col. 4, lines 5 – 8).

Regarding claim 11, Tajima discloses wherein said physical contact includes one of a handshake and any other contact between the users allowing a signal to pass between the users (physical handshake, Fig. 5, Tajima, Col. 6, 15 – 19).

Regarding claim 12, Tajima discloses confirming the establishment of said group between the users of the wireless terminals by transmitting a message to a wireless terminal of the group over the wireless communication (Tajima, Col. 5, lines 37 – 67).

Regarding claim 13, Tajima discloses wherein each wireless terminal comprises a low power radio transceiver for the wireless communication and an antenna (a bracelet-type data transmitter/receiver device (Fig. 5) comprising a radio transmitter (Fig. 2, 400 and Fig. 5, 400)/receiver (Fig. 3, 200 and Fig. 5, 200) and a contact point (Fig. 2, 401 and Fig. 3, 201), Tajima, Col. 3, line 66 through Col. 4, line 33).

Regarding claim 14, Tajima discloses wherein each wireless terminal comprises a PAN transceiver and a contact electrode for generating and transmitting said signal into the body of the user (each bracelet-type data transmitter/receiver device has a contact electrode (Fig. 2, 401 and Fig. 3, 201)

for generating and transmitting said signal in to the body of the user, Tajima, Col. 4, lines 52 – 57 and Col. 5, lines 20 – 23).

Regarding claim 16, Tajima discloses wherein said physical contact is a chain contact where one of the users is physically connected to a second one of the users further being in physical contact with a third one of said users (the physical contact is a chain contact where one of the users is physically connected to a second one of the users, Tajima, Col. 4, lines 52 – 57 and Col. 5, lines 20 – 23). If it was done with two people having physical contact to transfer information between the two, the concept of group talk is well known in the art, therefore, there should not be any problem in bringing another person so that the information is transferred to that person as well, therefore, expanding the addition of more users to the physical contact would have been obvious to one of ordinary skill in the art.

Regarding claim 18, Tajima discloses wherein while the users are in the physical contact, each user is also in contact with an electrode further having a connection with the wireless terminal of each respective user (while the users are in the physical contact, each user is also in contact with an electrode further having a connection with the bracelet-type data transmitter/receiver device of each respective user (Fig. 5), Tajima, Col. 4, lines 52 – 57, Col. 5, lines 20 – 23 and Col. 6, 15 – 19).

Regarding claim 19, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 20, the claim is interpreted and rejected for the same reason as set forth in claim 13.

Regarding claim 21, the claim is interpreted and rejected for the same reason as set forth in claim 14.

Regarding claim 22, Tajima discloses wherein said detecting element further comprises a switch to trigger transmission of a signal to the body of the user when in said physical contact (the bracelet-type data transmitter/receiver device further comprises a controller (Fig. 2, 408) to trigger transmission of a signal to the body of the user when in said physical contact, Tajima, Col. 4, lines 58 – 63).

Regarding claim 23, the claim is interpreted and rejected for the same reason as set forth in claim 11.

Regarding claim 24, the claim is interpreted and rejected for the same reason as set forth in claim 8.

Regarding claim 25, the claim is interpreted and rejected for the same reason as set forth in claim 9.

Regarding claim 26, Tajima does not specifically disclose wherein said group comprises at least three wireless user terminals. However, if it was done with two people having physical contact to transfer information between the two, the concept of group talk is well known in the art, therefore, there should not be any problem in bringing another person so that the information is transferred to that person as well, therefore, expanding the addition of more users to the



physical contact would have been obvious to one of ordinary skill in the art (the physical contact is a chain contact where one of the users is physically connected to a second one of the users, Tajima, Col. 4, lines 52 – 57 and Col. 5, lines 20 – 23).

Regarding claim 27, Tajima discloses wherein each of the users of the group is in physical contact with each other upon forming the group (physical handshake, Fig. 5, Tajima, Col. 6, 15 – 19).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima in view of O'Dea (US 5,511,232).

Regarding claim 3, Tajima discloses entering the at least two wireless terminals into a group creating mode (wireless communication between two devices, Tajima, Col. 5, line 14 through Col. 6, line 191).

However, Tajima as applied above does not specifically disclose inquiring the vicinity of the wireless terminals by transmitting a message from a first wireless terminal of the at least two wireless terminals to a second wireless terminal of the at least two wireless terminals over the wireless communication.

In an analogous art, O'Dea discloses inquiring the vicinity of the wireless terminals by transmitting a message from a first wireless terminal of the at least two wireless terminals to a second wireless terminal of the at least two wireless terminals over the wireless communication (O'Dea, Col. 2, lines 31 – 43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of O'Dea to the system of Tajima in order to provide a wireless radio communication system supporting group call among communication units, whereas group call allows two or more radios to be configured into a talk group and also group call affords a certain degree of privacy in that only members of the group may participate in the communications.

Regarding claim 4, Tajima in view of O'Dea as applied above discloses wherein the message includes information about the first wireless terminal that initiates the process and about the group creation (O'Dea, Col. 2, lines 31 – 43).

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima in view of Ike (US 5,054,112).

Regarding claim 5, Tajima discloses that the user of the wireless terminal performing an action on the wireless terminal, the action being one of touching an electrode.

However, Tajima as applied above does not specifically disclose selecting said group-creating mode from a menu of said wireless terminal, and pressing a

button. In an analogous art, Ike discloses selecting said group creating mode from a menu of said wireless terminal, and pressing a button (selecting either wireless or electromagnetic communication by either pressing a button or automatically, Ike, Col. 2, line 67 through Col. 3, line 28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Ike to the system of Tajima in order to provide a data collection system which has a radio communication mode and an electromagnetic induction communication mode, and has a function of changing from the radio communication mode to the other communication mode by electromagnetic induction when errors occur under the influence of various noises while one of the information data processing apparatus communication with one of the portable data entry devices.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1 – 27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
SONNY TRINH  
PRIMARY EXAMINER

Un C Cho  
Examiner  
Art Unit 2687

7/13/05 uc